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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/688,764

**Applicant(s)**

SHANNON, MICHAEL

**Examiner**

FRANKIE L. STINSON

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

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1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, line 5, the phrase "the spacer rod" is without proper antecedent basis,

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Guedel (U. S. Pat. No. 1,949,904).

Re claim 1 for example, note that Guedel discloses a power washing apparatus comprising: a power washer comprising a hollow conduit (7) and a nozzle (3); a spacer (1') for use with said power washer comprising; a spacer having a first end and a second end; a rotatable support (11) connected to said second end of said spacer; a connector (5, 6) for connecting said spacer and said conduit, said connector comprising means for adjusting the relative positions of said nozzle and said rotatable support.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guedel in view of Troudt (U. S. Pat. No. 5,485,960).

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Claim 3 defines over Guedel only in the recitation of the connector being a spring-biased detent. To have the connector being a detent, rather than that as shown in Guedel, is deemed to be a mere substitution of equivalents (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE). Nonetheless, Troudt discloses the arrangement of adjusting a nozzle on a shaft, via a spring-biased detent. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Guedel, to be as taught by Troudt, since this is considered to be a substitution of equivalents. This is also applicable to the two clamps as taught by Guedel, and the two c-shaped clamps as claimed in claims 4-7.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Converse (U. S. Pat. No. 2,911,1570 or Guedel in view of Small et al. (U. S. Pat. No. 3,423,027).

Re claim 8, Converse and Guedel disclose a power sprayer and wand spacer combination, comprising: a power washer comprising a wand, a nozzle (22 in Converse and 3 in Guedel) and a hose (12 not shown in Guedel); a spacer (32 in Converse and 1' in Guedel) having a first end and a second end; a rotatable support (37 in Converse and 11 in Guedel) connected to said second end of said spacer; a connector extending from said wand to said spacer; said connector comprising a releasable clamp adapted to releasably connect to said power washer wand that differs from the claim only in the recitation of the pump. Small (col. 3, lines 11-19) discloses the pump. It therefore would have been obvious to one having ordinary skill in the art as to modify the sprayer in either Converse or Guedel, to include a pump as taught by Small, for the purpose of

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providing an essentially constant supply of treatment fluid. Although Converse and Small fails to disclose a washer, the same is consider to be a mere statement of intended use. Re claim 9, Converse, Guedel and Small disclose the selective movable connector.

7. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 8 and 9 above, and further in view of Troudt. .

Re claim 10-14, Troudt is cited as applied to the subject matter of claims 3-7 above.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Sapp, Small et al'709, Slager, Neitz, Geel, Otis, Lumpkin, Dean, Sauer, Doepke, Sheppard, Mcleod and Rudloff, note the spacer means.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.  
Should you have questions on access to the Private PAIR system, contact the  
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



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GROUP ART UNIT 1746